

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE  
6851 N.E. LOOP 820, SUITE 300  
NORTH RICHLAND HILLS, TX 76180-6608  
(817) 770-8500  
(817) 498-1362 FAX

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE: JUAN JOSE SILVA  
EMIGDIA CISNEROS SILVA

Case No: 09-43881-DML

Prehearing Date: April 09, 2010

Debtor(s)

---

Notice of Pre-Hearing Conference and  
Hearing on "Trustee's Recommendation Concerning Claims,  
Objection to Claims, and Plan Modification (if required)"

---

TO ALL PARTIES IN INTEREST:

A Pre-Hearing Conference with the Chapter 13 Trustee concerning the attached Trustee's Recommendation Concerning Claims, Objection to Claims, and Plan Modification (if required)("TRCC") will be held at **8:30 AM** on **April 09, 2010** at 6851 N.E. Loop 820, Suite 220, North Richland Hills, Texas 76180.

If any objections to the Pleadings are not resolved or defaulted at the Trustee's Pre-hearing Conference then this matter will be called at the docket call to be held at **8:30 AM** on **April 15, 2010** at 128 U.S. Courthouse, 10th and Lamar Streets, Fort Worth, TX., with the hearing on the matter immediately following the conclusion of the docket call.

Pursuant to General Order 2009-03 Section 8(c), unless an objection is timely filed as to the treatment of any claim or modification, the claim or modification will be allowed or approved as described in the TRCC and such treatment will be final and binding on all parties, unless Section 502j of the Bankruptcy Code applies.

TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, FILED WITH THE COURT, AND A COPY SERVED ON THE FOLLOWING PARTIES WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF.

DEBTOR(S): JUAN JOSE SILVA & EMIGDIA CISNEROS SILVA, PO Box 270432, Dallas, TX 75227  
ATTORNEY: MARK B FRENCH, 1901 CENTRAL DR STE 704, BEDFORD, TX 76021  
COURT: Clerk's Office, US Bankruptcy Court, 128 U.S. Courthouse, 10th and Lamar Streets, Ft. Worth, TX 76102  
TRUSTEE: TRUSTEE'S OFFICE, 6851 N.E. Loop 820, Suite 300, North Richland Hills, TX 76180-6608

/s/ Tim Truman  
Tim Truman, Trustee/State Bar # 20258000

JUAN JOSE SILVA  
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the "Notice of Pre-Hearing Conference and Hearing on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)" and that a copy of the attached "Trustee's Recommendation Concerning Claims, Objection to Claims, and Plan Modification (if required)" was served on the following parties at the address listed below by the United States First Class Mail or via electronic mail.

/s/ Tim Truman

---

DEBTOR(S): JUAN JOSE SILVA & EMIGDIA CISNEROS SILVA, PO Box 270432, Dallas, TX 75227  
ATTORNEY: MARK B FRENCH, 1901 CENTRAL DR STE 704, BEDFORD, TX 76021

**CREDITORS:**

ALLSTATE INSURANCE CO, PO BOX 40047, ROANOKE, VA 24022-0000  
ALMA MECHANICS SHOP, 8004 TRADE VILLAGE PLACE, DALLAS, TX 75217-0000  
AMERICAN COMMUNITY NEWSPAPERS II, C/O CANTEY HANGER LLP, 600 W 6TH ST STE 300, FORT WORTH, TX 76102-0000  
AMERICAN EXPRESS, C/O BECKET & LEE LLP, PO BOX 3001, MALVERN, PA 19355  
AMERICAN EXPRESS CENTURION BAN, C/O BECKET AND LEE LLP, PO BOX 3001, MALVERN, PA 19355  
AT & T WIRELESS, PO BOX 650553, DALLAS, TX 75265-0000  
ATTORNEY GENERAL OF TEXAS, COLLECTIONS DIV/BANKRUPTCY SEC, PO BOX 12548, AUSTIN, TX 78711  
BRACKETT & ELLIS, 100 MAIN ST, FT WORTH, TX 76102  
CANTEY HANGER LLP, ATTN PAYROLL DEPARTMENT, 600 W 6TH ST STE 300, FORT WORTH, TX 76107-0000  
CAPITAL ONE, 2730 LIBERTY AVE, PITTSBURGH, PA 15222-0000  
CAPITAL ONE, C/O TSYS DEBT MANAGEMENT, PO BOX 5155, NORCROSS, GA 30091-0000  
CCS, TWO WELLS AVE, NEWTON, MA 02459-0000  
CITY OF DALLAS, 1500 MARILLA DR 2DS, DALLAS, TX 75201  
CITY OF MESQUITE/MESQUITE ISD, C/O SCHUERENBERG & GRIMES, 120 MAIN ST STE 201, MESQUITE, TX 75149-0000  
CODILIS & STAWIARSKI PC, 650 N SAM HOUSTON PKWY E, STE 450, HOUSTON, TX 77060-0000  
COUNTY OF DALLAS TAX OFFICE, LINEBARGER GOGGAN BLAIR AND SAMPSON, 2323 BRYAN ST STE 1600, DALLAS, TX 75201-0000  
DALLAS INDEPENDENT SCHOOL DIST, 3700 ROSS AVE, DALLAS, TX 75204  
DEPT OF JUSTICE - TAX DIVISION, 717 N HARWOOD STE 400, DALLAS, TX 75201-0000  
DFW PRINTING CO, C/O KYLE F PAUR, 3890 W NORTHWEST HWY STE 550, DALLAS, TX 75220-0000  
EQUIFAX, PO BOX 740241, ATLANTA, GA 30374-0000  
EXPERIAN, 701 EXPERIAN PARKWAY, ALLEN, TX 75013-0000  
INTERNAL REVENUE SERVICE, PO BOX 21125, PHILADELPHIA, PA 19114-0000  
INTERNAL REVENUE SERVICE, PO BOX 21126, PHILADELPHIA, PA 19114-0000  
INTERNAL REVENUE SERVICE, SPECIAL PROC/ATTN DISK PROCESS, 1100 COMMERCE RM 9A20 5024 DAL, DALLAS, TX 75242  
JAMESON AND DUNAGAN PC, 3890 W NORTHWEST HIGHWAY, SUITE 550, DALLAS, TX 75220-0000  
JOHN LANE AND ASSOCIATES, 8526 N NE BRAUNFELS, SAN ANTONIO, TX 78217-0000  
JOHN SALAZAR, 851 S RL THORNTON FRWY STE 101, 8100 JOHN CARPENTER FRWY STE 200, DALLAS, TX 75247-0000  
JP MORGAN CHASE BANK, 3415 VISION DR, COLUMBUS, OH 43219-0000  
JP MORGAN CHASE BANK, 7255 BAY MEADOWS HWY, JACKSONVILLE, FL 32256-0000  
JPMORGAN CHASE BANK NA, VINCENT LOPEZ SERAFINO AND JENEVEIN PC, 2001 BRYAN ST STE 2000, DALLAS, TX 75201  
LAW OFFICE OF ROBERT MCEWAN, 2201 N CENTRAL EXPWY STE 225, RICHARDSON, TX 75080-0000  
LINEBARGER GOGGAN BLAIR ET AL, 100 THROCKMORTON STE #300, FT WORTH, TX 76102-0000  
LINEBARGER HEARD GOGGAN ET AL, 2323 BRYAN ST STE 1600, DALLAS, TX 75201  
LVNV FUNDING LLC, RESURGENT CAPITAL SERVICES, PO BOX 10587, GREENVILLE, SC 29603  
M BRANDON WADDELL, C/O VINCENT LOPEZ SERAFINO JENEVEIN PC, 2001 BRYANT ST STE 2000, DALLAS, TX 75201  
MESQUITE ISD, 405 E DAVIS ST, MESQUITE, TX 75149-0000  
MICHAEL JASON BABB, 2727 LBJ FRWY STE 900, DALLAS, TX 75234-0000

JUAN JOSE SILVA  
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

CREDITORS: (cont'd.)

NCO FINANCIAL, 507 PRUDENTIAL RD, HORSHAM, PA 19044-0000  
NCO FINANCIAL SYSTEMS INC, 1804 WASHINGTON BLVD STE 450, BALTIMORE, MD 21230-0000  
PERDUE BRANDON & FIELDER, 4025 WOODLAND PARK BLVD #300, ARLINGTON, TX 76094  
PRIMARY FINANCIAL SERVICES, 3115 N 3RD AVE STE 112, PHOENIX, AZ 85013-0000  
PROPEL FINANCIAL SERVICES, PO BOX 100350, SAN ANTONIO, TX 78201-0000  
REDLINE RECOVERY SERVICES, 6201 BONHOMME STE 100-5, HOUSTON, TX 77036-0000  
STEEN AND STEEN/MCLEAN AND SANDERS, ATTN: BANKRUPTCY SECTION, 307 W 7TH ST STE 1225, FORT WORTH, TX 76102  
TARRANT COUNTY TAX COLLECTOR, DELINQUENT TAX DEPARTMENT, 100 E WEATHERFORD ST, FORT WORTH, TX 76196  
TEXAS ALCOHOLIC BEVERAGE COMM, LICENSES AND PERMITS DIVISION, PO BOX 13127, AUSTIN, TX 78711  
TEXAS COMPTROLLER PUBLIC ACCTS, REVENUE ACCOUNTING DIV/BANKRUP, PO BOX 13528, AUSTIN, TX 78711  
TEXAS WORKFORCE COMMISSION, TAX DEPT COLLECTION FKA TEC, BANKRUPTCY ROOM 556-A, AUSTIN, TX 78778-0000  
TRANS UNION, PO BOX 2000, CHESTER, PA 19022-0000  
UNITED STATES ATTORNEY, 1100 COMMERCE ST STE 300, DALLAS, TX 75242  
UNITED STATES ATTORNEY, 801 CHERRY ST STE 1700, FT WORTH, TX 76102  
US DEPARTMENT OF JUSTICE, 10TH & CONSTITUTION NW, WASHINGTON, DC 20530-0000  
V AND J BODY SHOP, 8018 TRADE VILLAGE PLACE, DALLAS, TX 75217-0000  
WASHINGTON MUTUAL, 7255 BAYMEADOWS WAY, JACKSONVILLE, FL 32256-0000  
WELLS FARGO BANK, MAC S4101 08C, 100 W WASHINGTON ST, PHOENIX, AZ 85003-0000

Date: February 25, 2010

By: /s/ Tim Truman

JUAN JOSE SILVA  
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**IN RE: JUAN JOSE SILVA  
EMIGDIA CISNEROS SILVA**

**Case No: 09-43881-DML**

**Debtor(s)**

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO  
CLAIMS AND PLAN MODIFICATION (if required)**

The Trustee hereby objects to and/or recommends allowance or disallowance of the following claims for the reason(s) indicated pursuant to Bankruptcy Rule 3007:

**I.**

**OBJECTION - NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002(a). The "bar date" for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED, and not be paid by the Trustee:

<b><u>T'EE #</u></b>	<b><u>CREDITOR'S NAME</u></b>	<b><u>SCHED CLASS</u></b>	<b><u>SCHED AMOUNT</u></b>
3	WASHINGTON MUTUAL	HOME MORTGAGE ARREARAGE	\$4,200.00
4	WASHINGTON MUTUAL	SECURED	\$18,880.00
7	CITY OF DALLAS	TAXES/SECURED	\$633.70
8	CITY OF DALLAS	TAXES/SECURED	\$70.15
9	CITY OF DALLAS	TAXES/SECURED	\$635.34
10	CITY OF DALLAS	TAXES/SECURED	\$345.08
11	CITY OF DALLAS	TAXES/SECURED	\$869.51
19	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$1,002.70
20	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$111.00
21	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$1,005.30
22	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$546.02
23	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$1,375.82
25	JOHN SALAZAR	SECURED	\$10,181.69
27	PROPEL FINANCIAL SERVICES	SECURED	\$27,127.97
28	ALLSTATE INSURANCE CO	UNSECURED	\$345.70
31	AT & T WIRELESS	UNSECURED	\$988.82

**II.**

**SPECIFIC OBJECTIONS**

The Trustee hereby objects to the following claims for the reason(s) indicated in Column 6. The claims should be ALLOWED/DISALLOWED as indicated in Column 3 for the amount and class indicated in Columns 4 and 5 respectfully:

\*\*\* NONE \*\*\*\*

JUAN JOSE SILVA  
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

### III.

#### **TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount(s) and in the class(es) as listed below: (NOTE: Value, treatment and interest rate were determined at confirmation. "Value" and "Treatment" are shown below)

<b><u>T'EE #</u></b>	<b><u>SECURED CREDITORS</u></b>	<b><u>COLLATERAL</u></b>	<b><u>CLAIM</u></b>	<b><u>VALUE</u></b>	<b><u>INTEREST RATE</u></b>	<b><u>TREATMENT</u></b>
1	JP MORGAN CHASE BANK	1ST LIEN/HOME/ARRS	\$6,248.64	\$144,730.00	0.00%	PRO RATA-TR
2	JP MORGAN CHASE BANK	1ST LIEN/HOMESTEAD	\$18,535.26	\$144,730.00		DIRECT-DR
5	CAPITAL ONE	BUSINESS ASSETS/LATE	\$30,885.00	\$30,885.00		DIRECT-DR
6	JPMORGAN CHASE BANK NA	8010 TRADE VILLAGE PLAC	\$107,033.50	\$247,084.51		DIRECT-DR
12	CITY OF MESQUITE/MESQUITE ISD	HOMESTEAD/09	\$3,311.86	\$144,730.00		DIRECT-DR
13	COUNTY OF DALLAS TAX OFFICE	HOMESTEAD/09	\$667.41	\$144,730.00		DIRECT-DR
14	COUNTY OF DALLAS TAX OFFICE	1630 BENDING OAKS/09	\$2,124.80	\$98,930.00		DIRECT-DR
15	COUNTY OF DALLAS TAX OFFICE	8000 TRADE VILLAGE/09	\$235.23	\$9,380.00		DIRECT-DR
16	COUNTY OF DALLAS TAX OFFICE	8004 TRADE VILLAGE/09	\$2,130.32	\$84,950.00		DIRECT-DR
17	COUNTY OF DALLAS TAX OFFICE	8018 TRADE VILLAGE/09	\$1,157.07	\$46,140.00		DIRECT-DR
18	COUNTY OF DALLAS TAX OFFICE	8010 & 8012 TRADE VILLAGE	\$2,972.43	\$250,000.00		DIRECT-DR
24	INTERNAL REVENUE SERVICE	BUSINESS ASSETS/06-09	\$87,821.46	\$480,837.09		DIRECT-DR
39	JP MORGAN CHASE BANK	UNSPECIFIED REAL PROP/AI	\$4,831.20	\$0.00	0.00%	NO PROVISION
40	JP MORGAN CHASE BANK	UNSPECIFIED REAL PROP	\$16,605.70	\$0.00	0.00%	NO PROVISION
43	PROPEL FINANCIAL SERVICES	1630 BENDING OAKS/TAX LI	\$9,749.26	\$98,930.00	0.00%	NO PROVISION

<b><u>T'EE #</u></b>	<b><u>PRIORITY</u></b>	<b><u>CLAIM</u></b>	<b><u>TREATMENT</u></b>
38	INTERNAL REVENUE SERVICE	\$11,888.34	PRO RATA-TR

<b><u>T'EE #</u></b>	<b><u>UNSECURED</u></b>	<b><u>CLAIM</u></b>	<b><u>COMMENT</u></b>
29	AMERICAN EXPRESS CENTURION BA	\$27,172.00	
30	AMERICAN EXPRESS	\$20,677.11	
32	DFW PRINTING CO	\$105,389.44	EL EXTRA SPANISH NE
33	AMERICAN COMMUNITY NEWSPAP	\$155,941.35	EL EXTRA SPANISH/ST
34	WELLS FARGO BANK	\$20,166.40	WF BSN DIRECT
37	INTERNAL REVENUE SERVICE	\$1,180.03	PENALTY
41	LVNV FUNDING LLC	\$3,166.83	NCO PORTFOLIO/ORDE
42	LVNV FUNDING LLC	\$1,111.87	NCO PORTFOLIO/ORDE
44	CAPITAL ONE	\$19,115.00	UNS PORTION CLM #5/I

<b><u>T'EE #</u></b>	<b><u>EXECUTORY CONTRACTS</u></b>	<b><u>COMMENT</u></b>	<b><u>CLAIM</u></b>	<b><u>TREATMENT</u></b>
35	ALMA MECHANICS SHOP	CONTRACT/ASSUMED	\$0.00	DIRECT-DR
36	V AND J BODY SHOP	CONTRACT/ASSUMED	\$0.00	DIRECT-DR

**IF THE TRUSTEE'S RECOMMENDATION CONCERNING ANY CLAIM DIFFERS FROM THE AMOUNT INDICATED IN A CREDITOR'S PROOF OF CLAIM, THE RECOMMENDATION IS DEEMED AN OBJECTION TO SUCH CLAIM. UNLESS A TIMELY RESPONSE OR OBJECTION IS FILED CONTESTING THE TRUSTEE'S RECOMMENDATION, THE OBJECTION WILL BE SUSTAINED AND SUCH CLAIM WILL BE ALLOWED ONLY IN THE AMOUNT AND IN THE CLASS INDICATED.**

### IV.

#### **PLAN MODIFICATION**

##### **Excess Base Amount**

Debtor's(s') Plan provides for a Base Amount of \$35,750.00. To the extent the Base Amount exceeds the amount needed to pay all allowed Secured, Priority, and Administrative Claims, unless otherwise provided by a Debtor Modification or order of the Court, such excess shall be paid pro-rata to timely filed allowed non-penalty general unsecured claims up to 100%, with any remaining balance refunded to Debtor(s). The Unsecured Creditors' Pool will be adjusted accordingly.

##### **No Debtor Modification Needed**

JUAN JOSE SILVA

EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

Respectfully submitted,  
Office of the Chapter 13 Trustee, Fort Worth

/s/ Tim Truman

---

Tim Truman, Trustee  
State Bar # 20258000

Dated: February 25, 2010